

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ARTHUR STROZEWSKI,

Plaintiff,

v.

**Civil Action 2:10-cv-1128
Judge Algenon L. Marbley
Magistrate Judge E.A. Preston Deavers**

**ROD'S WESTERN
PALACE, INC. et al.,**

Defendants.

REPORT AND RECOMMENDATION

In response to this Court's May 13, 2011 Show Cause Order (ECF No. 30), Plaintiff represents that its attempts to obtain service upon Defendant Olia Jewelry in China have been unsuccessful and it has not objection to this Court's dismissal of Olia Jewelry without prejudice pursuant to Federal Rule of Civil Procedure 4(m). (ECF No. 31.) Accordingly, the undersigned **RECOMMENDS** that this Court dismiss Defendant Olia Jewelry without prejudice pursuant to Rule 4(m).

PROCEDURE ON OBJECTIONS

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy.

Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal”) (citation omitted)).

IT IS SO ORDERED.

Date: May 23, 2011

/s/ Elizabeth A. Preston Deavers

Elizabeth A. Preston Deavers
United States Magistrate Judge